

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

VS.

**JASON BRASCH,
DAVID BURBACH,
WILLIAM WILKINSON and
TERESA REILLY,**

Defendants.

8:11CR312

ORDER

This matter is before the court on the motions for an extension of time by defendants David Burbach (Burbach) (Filing No. 37), and Teresa Reilly (Reilly) (Filing No. 38). The defendants seek until December 14, 2011, in which to file pretrial motions in accordance with the progression order. Defendants' counsel represent that Burbach and Reilly will file affidavits wherein they consent to the motion and acknowledge they understand the additional time may be excludable time for the purposes of the Speedy Trial Act. Defendants' counsel represent that government's counsel has no objection to the motion. Upon consideration, the motions will be granted.

IT IS ORDERED:

Defendants Burbach's and Reilly's motions for an extension of time (Filing Nos. 37 and 38) are granted. Burbach and Reilly are given until **on or before December 14, 2011**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motions and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., **the time between November 21, 2011, and December 14, 2011**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 21st day of November, 2011.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge